

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant:

Moody, D. J. et al.

Application No.: 10/563,459

Filed: January 4, 2006

Title: *Process and Intermediate Compounds Useful in the Preparation of Statins, Particularly Atorvastatin*

Art Unit: *Not Yet Assigned*Examiner: *Not Yet Assigned*

Attorney Docket No.: UDX-004.01

## CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Mail Stop Missing Parts, ATTN: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 5, 2006.

  
Merlin Aubourg

Mail Stop Missing Parts  
ATTN: DO/EO/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

Enclosed are the following: (1) A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US); (2) Petition for Extension of Time Under 37 CFR 1.136(a) for one month (one original and one copy); (3) an executed Declaration for Utility or Design Application Using an Application Data Sheet; and (4) two executed Power of Attorney and Correspondence Address Indication Forms.

The Notification also requires the submission of a Sequence Listing. However, the Applicants respectfully contend that the application contains no information for which 37 CFR 1.821-1.825 requires the submission of a Sequence Listing. Accordingly, the Applicants respectfully request withdrawal of this requirement.

Although we believe that we have provided for all required fees in connection with this paper, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. **06-1448**, Ref. **UDX-004.01**.

Respectfully Submitted,

Date: July 5, 2006

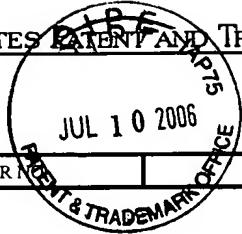
**Customer No: 25181**  
Patent Group  
Foley, Hoag, LLP  
155 Seaport Blvd.  
Boston, MA 02210-2600

  
\_\_\_\_\_  
Dana M. Gordon  
Reg. No. 44,719  
Attorney for Applicants

PCT/US



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,459	David John Moody	UDX-004.01

INTERNATIONAL APPLICATION NO.
PCT/GB04/03206

I.A. FILING DATE	PRIORITY DATE
07/23/2004	07/25/2003

Foley Hoag  
 World Trade Center West  
 155 Seaport Boulevard  
 Boston, MA 02210-2600

CONFIRMATION NO. 8027  
**371 FORMALITIES LETTER**  
  
 \*OC000000018441663\*

Date Mailed: 04/04/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/04/2006
- Copy of the International Search Report filed on 01/04/2006
- Preliminary Amendments filed on 01/04/2006
- Information Disclosure Statements filed on 01/04/2006
- Request for Immediate Examination filed on 01/04/2006
- U.S. Basic National Fees filed on 01/04/2006
- Priority Documents filed on 01/04/2006
- Specification filed on 01/04/2006
- Claims filed on 01/04/2006
- Abstracts filed on 01/04/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990) and 1211 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in

RECEIVED

computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

---

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

---

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,459	PCT/GB04/03206	UDX-004.01